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7 **UNITED STATES DISTRICT COURT**

8 **EASTERN DISTRICT OF CALIFORNIA**

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 v.

12 KAMIL MISZTAL,

13 Defendant.

14 Case No. 2:22-MJ-0067 AC

15 **STIPULATION AND [PROPOSED]  
ORDER FOR EXTENSION OF TIME FOR  
PRELIMINARY HEARING PURSUANT  
TO RULE 5.1(d) AND EXCLUSION OF  
TIME**

16 Plaintiff United States of America, by and through its attorney of record, Assistant  
17 United States Attorney Jason Hitt, and defendant Kamil Misztal, both individually and by and  
18 through his counsel of record, hereby stipulate as follows:

19 1. The Complaint in this case was filed on April 29, 2022, and defendant first  
20 appeared before a judicial officer of the Court in which the charges in this case were pending on  
21 May 12, 2022. Defendant is currently out of custody and under conditions of pretrial  
22 supervision.

23 2. By this stipulation, pursuant to Rule 5.1(d) of the Federal Rules of Criminal  
24 Procedure, the parties jointly move for an extension of time of the preliminary hearing date of  
25 January 30, 2024, to April 19, 2024, at 2:00 p.m., before the duty Magistrate Judge. The parties  
26 stipulate that the delay is required to allow the defense reasonable time for preparation, and for  
27 the government's continuing investigation of the case. The parties further agree that the interests

1 of justice served by granting this continuance outweigh the best interests of the public and the  
2 defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). The government has provided initial  
3 disclosure in the case, which consists of written reports, photographs, audio files, and related  
4 materials. In addition, the parties are in discussion about a pre-indictment resolution to the case.  
5 Finally, counsel for defendant has engaged in negotiations with a separate prosecutor in a  
6 different District related to a potential pre-litigation resolution of that District's investigation.

7       3. The parties agree that good cause exists for the extension of time, and that the  
8 extension of time would not adversely affect the public interest in the prompt disposition of  
9 criminal cases. Therefore, the parties request that the time between January 30, 2024, and April  
10 19, 2024, be excluded pursuant to 18 U.S.C. § 3161(h)(7)(B)(iv), Local Code T-4.

11 Dated: January 24, 2024

**BOIES SCHILLER FLEXNER LLP**

12 By: /s/ John J. Kucera

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21 Attorneys for Defendant

*Kamil Misztal*

22 Dated: January 24, 2024

**PHILLIP A. TALBERT**

**United States Attorney**

24 By: /s/ Jason Hitt

JASON HITT (as authorized on January 24, 2024)

Assistant United States Attorney

26 Attorneys for Plaintiff

*United States of America*

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Case No. 2:22-MJ-0067 AC

Plaintiff,

v.

KAMIL MISZTAL,

**[PROPOSED] ORDER GRANTING  
EXTENSION OF TIME FOR  
PRELIMINARY HEARING PURSUANT  
TO RULE 5.1(d) AND EXCLUSION OF  
TIME**

Defendant.

The Court has reviewed the stipulation of the parties in this matter requesting an extension of time of the preliminary hearing date to April 19, 2024, at 2:00 p.m., pursuant to Rule 5.1(d) of the Federal Rules of Criminal Procedure. Based upon the representations of the parties, the Court makes the following findings:

1. Good cause exists to extend the preliminary hearing, presently on calendar for January 30, 2024 to April 19, 2024, at 2:00 p.m., before the assigned duty Magistrate Judge; and

2. The interests of justice served by granting this continuance outweigh the best interests of the public and the defendant in a speedy trial and time is therefore excluded from the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(7)(A), Local Code T4.

**IT IS SO ORDERED.**

DATED: January 24, 2024

  
HONORABLE JEREMY D. PETERSON  
U.S. MAGISTRATE JUDGE